



State of Utah

Department of
Environmental
Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF SOLID &
HAZARDOUS WASTE
Dennis R. Downs
Director

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

February 20, 2004

Clay Peck
Peck Rock & Products
1512 North 1300 East
Lehi, Utah 84043

Subject: Peck Rock Class VI Landfill Permit

Dear Mr. Peck:

Enclosed is the permit to operate a Class VI Landfill at the site of the currently operating Class IV Landfill located approximately one-half mile west of the City of Saratoga Springs in Utah County. The permit expires on the date shown on the cover sheet. If renewal is desired, Peck Rock & Products must apply for the renewal of the permit 180 days prior to the expiration date.

A public comment period on the permit application and the draft permit began on January 20, 2004 and ended February 19, 2004. Also, a public hearing to receive comments on the permit application and draft permit was held in Lehi on February 3, 2004. Comments were received and a response to the comments is enclosed.

Since the permit is for the operation of a commercial construction/demolition landfill, prior to operating the landfill as a Class VI Landfill, you must submit the following and then receive a letter from the Executive Secretary of the Utah Solid and Hazardous Waste Control Board approving the start of Class VI Landfill operations.

1. Documentation that the Class VI Landfill is approved by the local government having jurisdiction over the landfill site.
2. Documentation that the Class VI Landfill has been approved by the Utah State Legislature and the Governor of Utah.

After the Class VI Landfill is in operation, periodic inspections will be conducted. Personnel from the Division of Solid and Hazardous Waste and/or the Utah County Health Department will inspect the facility to assess compliance with the conditions of the permit and the applicable solid waste rules.

The facility may continue to operate under the current Class IV permit until April 15, 2005. If approval from the governor and the Legislature has not been obtained by that date a new Class IV permit application must be submitted to the Executive Secretary.

If you have questions or need further information, please contact Carl Wadsworth or Ralph Bohn at 801-538-6170.

Sincerely,

Original Document Signed by Dennis R. Downs on 2/20/04

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

DRD/CEW/kk

Enclosures: Class VI Permit; Response to Comments

c: Joseph K. Miner, M.D., M.S.P.H., Director, Utah County Health Department
Timothy Parker, Mayor, City of Saratoga Springs

**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD
SOLID WASTE PERMIT**

CLASS VI LANDFILL

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Utah Code Annotated (UCA) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (UAC) R315-301 through 320 adopted thereunder,

**PECK ROCK & PRODUCTS, LLC (Lessee and Operator)
and
UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION
(Land Owner)**

are hereby authorized to construct and operate the **PECK ROCK AND PRODUCTS CLASS VI LANDFILL** located in Sections 2 and 3, Township 6 South, Range 1 West, Salt Lake Base and Meridian, Utah County, Utah as shown in the permit application that was determined complete on January 16, 2004.

The operation of the landfill is subject to the condition that Peck Rock and Products, LLC and Utah School and Institutional Trust Lands Administration (Permittees) meet the requirements set forth herein.

All references to UAC R315-301 through 320 are to regulations that are in effect on the date that this permit becomes effective.

Effective date: March 1, 2004.

Expiration date: February 29, 2009.

Signed this _____ day of _____, 2004.

Original Document Signed by Dennis R. Downs on 2/20/04

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

PERMIT REQUIREMENTS

LANDFILL NAME: Peck Rock & Products Class VI Landfill

LESSEE & OPERATOR: Peck Rock & Products, LLC

ADDRESS: 1512 North 1300 East
Lehi, Utah 84043

PHONE NO. 801-768-4139 or 801-367-3939

PROPERTY OWNER: Utah School and Institutional Trust Lands Administration

ADDRESS: 675 East 500 South, Suite 500
Salt Lake City, Utah 84102 - 2818

PHONE NO. 801-538-5100

TYPE Class VI Commercial Solid Waste Landfill

APPROVAL # 0306

LOCATION Landfill site is located in Township 6 South, Range 1 West,
Sections 2 and 3, SLBM, Utah County, Lat. 40° 19' 30" North,
Long. 111° 56' 00" West.

Permit as used in this document is defined in UAC R315-301-2(55).

The application, as deemed complete on January 16, 2004 is hereby approved and incorporated by reference into this Solid Waste Permit. All representations made in the permit application are part of this permit and are enforceable under UAC 315-301-5(2). The permit application will become part of the operating record of the Landfill. Where differences in wording exist between this Permit and the application, the wording of the Permit supersedes that of the application.

By this Permit to operate, the Permittees shall be subject to the following conditions.

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

This Permit is for the operation of a Class VI Landfill as defined by UAC R315-301-2(12). The landfill may not begin operations as a commercial landfill until the Executive Secretary has received documentation that the Permittees have received approval from the local government, the Utah State Legislature, and the Governor of Utah. Prior to the start of operations as a commercial landfill, the Permittees must receive written approval from the Executive Secretary to accept waste.

The Permittees shall operate the Class VI landfill in accordance with the conditions of this Permit and with all requirements of UAC R315-305, that are currently effective, unless otherwise noted in this Permit. Any permit noncompliance constitutes a violation of UAC R315-305 and is grounds for appropriate enforcement action, permit revocation, modification, or denial of a permit renewal application.

B. Noncompliance

1. If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under UAC R315-301 through 320 may be or is being violated, the Permittees shall promptly make corrections to the operation or other activities to bring the facility into compliance with all permit conditions or rules. In the event of any noncompliance with any permit condition or violation of an applicable rule, the Permittees shall promptly take any feasible action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility. The Permittees shall: document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered; notify the Executive Secretary of the Solid and Hazardous Waste Control Board within 24 hours, or the next business day following documentation of the event; and give written notice of the noncompliance or violation and measures taken to protect public health and the environment within seven days of Executive Secretary notification. Within thirty days of the documentation of the event, the Permittees shall submit, to the Executive Secretary, a written report describing the nature and extent of the noncompliance or violation and the remedial measures taken or to be taken to protect human health and the environment and to eliminate the noncompliance or

violation. Upon receipt and review of the assessment report, the Executive Secretary may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.

2. It shall not constitute a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.
3. Compliance with the terms of this Permit does not constitute a defense to actions brought under any other local, State, or Federal laws. This Permit does not exempt the Permittees from obtaining any other local, State or Federal permits or approvals.
4. The issuance of this Permit does not convey any property rights, other than the rights inherent in this Permit, in either real or personal property, or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations including zoning ordinances.
5. The provisions of this Permit are severable. If any provision of this Permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this Permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

C. Inspection and Inspection Access

The Permittees shall allow the Executive Secretary of the Utah Solid and Hazardous Waste Control Board or an authorized representative of the Board, including representatives from the Utah County Health Department, to enter at reasonable times and:

1. Inspect the landfill or other premises, practices or operations regulated or required under the terms and conditions of this Permit or UAC R315-301 through 320;
2. Have access to and copy any records required to be kept under the terms and conditions of the Permit or UAC R315-301 through 320;
3. Inspect any loads of waste, treatment, pollution management, or control facilities required under the Permit or regulated under UAC R315-301 through 320; and

4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

D. Prohibited Waste

No hazardous waste as defined by UAC R315-1 and R315-2; no hazardous waste from a conditionally exempt small quantity generator; no PCB's as defined by UAC R315-301-2(53), except construction/demolition waste containing PCB's as specified by UAC R315-315-7(2)(a) and (c); no non-inert household waste, except waste resulting from the abatement, rehabilitation, renovation and remodeling of homes and other residences; no municipal waste; no special waste, except as specified in this Permit; no non-inert commercial waste; no dead animals; and no non-inert industrial waste shall be accepted for treatment, storage, or disposal at the landfill.

E. Acceptable Waste

This Permit is for disposal of nonhazardous construction/demolition waste, as defined in UAC R315-301-2(17); yard waste, as defined in UAC R315-301-2(85); inert waste, as defined in UAC R315-301-2(37); waste tires, when the requirements of UAC R315-320 are met; and petroleum contaminated soils as allowed in UAC R315-315-8(3).

F. Revocation

This Permit is subject to revocation if any condition of the Permit is not being met. The Permittees will be notified in writing prior to any proposed revocation action and such action will be subject to all applicable hearing procedures established under UAC R315-12 and the *Utah Administrative Procedures Act*.

Revocation of this Permit does not revoke the financial assurance established for closure and post-closure care of the facility, nor remove any responsibility for completion of closure and post-closure care for the facility required in UAC R315-302-3.

G. Attachments Incorporation

Attachments incorporated by reference are enforceable conditions of this Permit, as are documents incorporated by reference into the attachments. Language in this Permit supercedes any conflicting language in the attachments or documents incorporated into the attachments.

II. DESIGN AND CONSTRUCTION

A. Construction

The landfill shall be constructed in the area designated and according to the design outlined in the permit application including landfill cells, fences, gates, and berms.

The Permittee shall notify the Executive Secretary upon completion of construction of any landfill cells or run-on and run-off diversion systems. No landfill cells or run-on and run-off diversion system may be used until construction is approved by the Executive Secretary.

The Permittees shall notify the Executive Secretary of the completion of construction of any final cover system and shall provide all necessary documentation and shall apply for approval of the construction from the Executive Secretary.

B. Run-On Control

Perimeter drainage channels shall be constructed as specified in the permit application prior to acceptance of waste. These channels shall be maintained at all times to effectively prevent run-off from the surrounding property from entering the landfill.

III. LANDFILL OPERATION

A. Operations Plan

The Operations Plan included in the permit application and the Permit issued by the Executive Secretary shall be kept on-site at the landfill. The landfill shall be operated in accordance with the Operations Plan as included in the permit application. If necessary, the facility owner may modify the Operations Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320 and is as protective of human health and the environment as that approved in the permit application. Any modification to the Operations Plan shall be noted in the operating record.

B. Security

The Permittees shall operate the Landfill so that unauthorized entry to the facility is prevented. All facility gates and other access routes shall be locked during the time the landfill is not open. At least two persons, employed by the Peck Rock &

Products, LLC, shall be at the landfill during all hours that the landfill is open. Fencing and any other access controls as shown in the permit application shall be constructed and maintained to prevent access of persons or livestock by other routes.

C. Waste Inspections

The Permittees shall visually inspect incoming waste loads to verify that no wastes other than those allowed by this Permit are disposed in the landfill. A complete waste inspection shall be conducted at a minimum frequency of 1 % of loads received, but no less than one complete inspection per day.

All containers capable of holding more than five gallons of liquid will be inspected to determine if the waste is acceptable for disposal.

All loads that the operator suspects may contain a waste not allowed for disposal at the landfill will be inspected.

Complete inspections shall be conducted as follows:

1. The operator shall conduct the random waste inspection at the working face or an area designated by the operator
2. Loads subjected to complete inspection shall be unloaded at the designated area;
3. Loads shall be spread by equipment or by hand tools;
4. A visual inspection of the waste shall be conducted by personnel trained in hazardous waste recognition and recognition of other unacceptable waste; and
5. The inspection shall be recorded on the waste inspection form found in the permit application. The form shall be placed in the operating record at the end of operating day.

D. Cover

The Permittees shall cover the waste periodically to prevent fires, and control vectors, blowing litter, odor, scavenging, and fugitive dust. Cover shall be provided no less than monthly. At the end of the operating day when cover is

applied, the amount of cover placed and the area receiving cover shall be recorded in the operating record and certified by the operator.

E. Disposal of Liquids

Disposal of containers of liquids larger than household size (five gallons), noncontainerized material containing free liquids, or any waste containing free liquids in containers larger than five gallons is prohibited.

F. Roads

All onsite roads used for transporting waste shall be improved and maintained as necessary to assure safe and reliable all-weather access to the disposal area.

G. Burning of Waste

Intentional burning of solid waste is prohibited and is a violation of UAC R315-303-5(2)(b). All accidental fires shall be extinguished as soon as possible.

H. Record Keeping

The Permittees shall maintain and keep on file at the landfill, an operating record as required by UAC R315-302-2(3). The landfill operator, or other designated personnel, shall date and sign the operating record at the end of each operating day. Each record to be kept shall contain the signature of the appropriate operator or personnel and the date signed. The operating record shall include the following items:

1. The daily operating record shall include the following items:
 - a. The number of loads of waste and the weights or estimates of weights or volume of waste received each day of operation and recorded at the end of each operating day;
 - b. Major deviations from the approved plan of operation recorded at the end of the operating day the deviation occurred;
 - c. Results of any monitoring required by this permit recorded in the operating record on the day of the event or the day the information is received;
 - d. Records of all inspections conducted by the Permittees, results of the inspections, and corrective actions taken shall be recorded in the record on the day of the event;

2. The general record of landfill operations shall include the following items:
 - a. A copy of the Permit including the permit application;
 - b. Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board and/or representatives of the Utah County Health Department, when forwarded to the Permittee;
 - c. Closure and Post-closure care plans; and
 - d. Records of employee training.

I. Reporting

The Permittees shall prepare and submit, to the Executive Secretary, an Annual Report as required in UAC R315-302-2(4). The Annual Report shall include: the period covered by the report, the annual quantity of waste received, an annual update of the financial assurance mechanism, and all training programs completed.

J. Self Inspections

The Permittees shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges, which may cause or lead to the release of wastes or contaminated materials to the environment or create a threat to human health. These general inspections shall be completed no less than quarterly and shall cover the following areas: Waste placement and cover; fences and access controls; roads; run-on/run-off controls; litter controls; and records. A record of the inspections shall be placed in the daily operating record on the day of the inspection. Areas needing correction, as noted on the inspection report, shall be corrected and the actions taken placed in the daily operating record.

IV. CLOSURE REQUIREMENTS

A. Closure

The Permittees shall close and maintain the facility in accordance with the closure and post-closure plans included in the permit application and as required by R315-305-5(5) UAC.

B. Title Recording

The Permittees shall also meet the requirements of UAC R315-302-2(6) by recording with the Utah County Recorder as part of the record of title that the property has been used as a landfill.

C. Post-Closure Care

Post-closure care at the closed landfill shall be done in accordance with the Post-Closure Care Plan contained in the permit application. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the finding of UAC R315-302-3(7)(c) is made.

D. Financial Assurance

The Permittee shall provide and keep in effect and active, a financial assurance mechanism that meets the requirements of UAC R315-309 to cover the costs of closure and post-closure care at the landfill.

E. Financial Assurance Annual Update

An annual revision of closure costs and financial assurance funding shall be submitted to the Executive Secretary as part of the annual report as required by UAC R315-309-2(2).

V. ADMINISTRATIVE REQUIREMENTS

A. Transfers

This Permit may be transferred to a new Permittees by meeting the requirements of the Permit Transfer provision in UAC R315-310-10.

B. Permit Modifications

Modifications to this Permit may be made upon application by the Permittees or by the Executive Secretary. The Permittees will be given written notice of any permit modification initiated by the Executive Secretary. Acceptance of any waste type not allowed by UAC R315-305-1 will require a new permit application and meeting the requirements of UAC R315-310-3(2).

C. Expiration

Application for permit renewal shall be made at least six months prior to the expiration date, as shown on the signature (cover) page of this Permit. If a timely renewal application is made and the permit renewal is not complete by the expiration date, this Permit will continue in force until renewal is completed or denied.

D. Expansion

1. This Permit is for the operation of a Class VI Landfill according to the design and Operation Plan described and explained in the permit application. Any expansion of the current footprint designated in the description contained in the permit application, but within the property boundaries designated in the permit application, will require submittal of plans and specifications to the Executive Secretary. The plans and specifications must be approved by the Executive Secretary prior to construction.
2. Expansion of the landfill outside the boundaries shown in the permit application will require a new permit application and satisfying the requirements of UAC R315-310-3(1) and (2), R315-310-4, and R315-310-5.
3. Any expansion of the waste accepted at the landfill facility will require submittal of all necessary information to the Executive Secretary and the approval of the Executive Secretary. Acceptance of any waste type not allowed by UAC R315-305-1 will require a new permit application and meeting the applicable requirements of UAC R315-310 including R315-310-3(2).